

17.09.2024
AD-33
Court No.29
TN
(Allowed)

CRM (A) 3307 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Taherpur Police Station Case No. 372 of 2024 dated 21.07.2024 corresponding to Serial Number 604 of 2024 dated 23.07.2024 under Section 6 of the POCSO Act, 2012.

And

In the matter of: **Joy Biswas @ Joy Mondal**

.... petitioner

Ms. Sananda Bhattacharyya,
Ms. Busra Khatun

....for the petitioner

Mr. Sayan De,
Mr. Kaustav Shome,
Mr. Sayan Kanjilal,
Mr. Abhijit Mondal

....for the *de facto* complainant

Mr. Bidyut Roy,
Mr. Rahul Ganguly

....for the State

1. The learned counsel for the petitioner submits that the petitioner was in a love relationship with the victim and has been falsely implicated. It is further submitted that the victim is a married lady.
2. The learned counsel for the State has produced the case diary and has drawn our attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
3. The learned counsel for the victim submits that the petitioner is likely to circulate objectionable photographs and videos of the victim.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and also having regard to the statement of the victim which *prima facie* shows that they were in relationship and also considering the age of the petitioner, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Joy Biswas @ Joy Mondal** shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
6. The petitioner shall meet the Investigating Officer by Friday (20.09.2024) with the mobile without deleting any picture and video and the Investigating Officer may seize the mobile, if required, for the purpose of investigation. The petitioner shall also meet the Investigating Officer once in a fortnight from the date of his appearance for the purpose surrendering the mobile, till submission of the final report.
7. It is further directed that the present accused petitioner shall appear before the learned Additional District & Sessions Judge, Special Court, Ranaghat, Nadia within two weeks from date.

8. All the conditions should be fulfilled, in default whereof, this order shall stand recalled without any further reference to this court.
9. Accordingly, the application for anticipatory bail is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)